

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MICHAEL PATTON,

Plaintiff,

v.

ESA P PORTFOLIO, LLC, et al.,

Defendants.

Case No. 1:20-cv-01498-DAD-SKO

**ORDER GRANTING DEFENDANTS' EX  
PARTE APPLICATION FOR ORDER  
SHORTENING TIME AND SETTING  
BRIEFING SCHEDULE ON  
DEFENDANTS' MOTION TO MODIFY  
SCHEDULING ORDER AND  
CONTINUE SETTLEMENT  
CONFERENCE**

(Doc. 27)

Before the Court is Defendants' ex parte application for an order shortening time to hear their motion to modify the scheduling order and continue the settlement conference (Doc. 28), filed October 8, 2021. (Doc. 27.) For good cause shown, *see* E.D. Cal. Local Rule 144(e), the Court GRANTS Defendants' ex parte application. Accordingly, the Court sets the following briefing schedule for Defendant's motion to modify the scheduling order:

1. Plaintiff's opposition, or statement of non-opposition, is due by no later than **October 15, 2021**; and
2. Defendants may file an optional reply by no later than **October 22, 2021**.

1 The Court will then take the matter under submission without oral argument pursuant to E.D.  
2 Cal. Local Rule 230(g).<sup>1</sup>

3 In light of Defendants' statement that they "cannot meaningfully participate in a settlement  
4 conference" at this juncture (*see* Doc. 28 at 8), the Settlement Conference, currently set for October  
5 28, 2021, and all associated dates and deadlines are hereby VACATED. **By no later than October**  
6 **27, 2021**, the parties are ORDERED to meet and confer and file a joint status report proposing three  
7 to four dates on which the Settlement Conference (held on Tuesdays and Thursdays at 10:00 a.m.)  
8 will be re-set.

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10 IT IS SO ORDERED.

11 Dated: **October 13, 2021**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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25 <sup>1</sup> The Court observes that Plaintiff's motion for leave to amend the complaint was filed on October 4, 2021,  
26 after the June 1, 2021 deadline for requesting leave to amend the pleadings. (*See* Doc. 18 at 2; Doc. 25.)  
27 Both Plaintiff's motion for leave to amend the complaint and Defendants' motion to modify the scheduling  
28 order seek permission to take particular actions after the expiration of relevant deadlines. As it appears that  
modification of the scheduling order could be beneficial to both parties (and necessary in the event Plaintiff's  
motion is granted), the parties are ***highly encouraged*** to meet and confer in order to agree upon a joint  
proposal for modification of the scheduling order and to avoid further burdening the Court (which carries  
one of the heaviest caseloads in the nation).